

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Devaney	Team: Squad #04	CCRB Case #: 202104163	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/23/2021 1:45 PM	Location of Incident: near § 87(2)(b)	18 Mo. SOL 8/23/2022	Precinct: 42		
Date/Time CV Reported Wed, 02/24/2021 8:55 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/14/2021 10:38 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Malvi Moncion	12778	947265	PSA 7
2. POM Christophe Barsamian	03723	956416	PSA 7
3. POM Jeffrey Abreu	18718	958213	PSA 7
4. POM Edward Ventura	18539	959342	CT LMSI

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Lasasha Parks	03021	948259	CT LMSI

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Barsamian	Discourtesy: Police Officer Christophe Barsamian spoke discourteously to § 87(2)(b)	
B.POM Christophe Barsamian	Off. Language: Police Officer Christophe Barsamian made offensive remarks to § 87(2)(b)	
C.POM Edward Ventura	Force: Police Officer Edward Ventura used physical force against § 87(2)(b)	
D.POM Malvi Moncion	Force: Police Officer Malvi Moncion struck § 87(2)(b) with a nightstick/asp/baton.	
E.POM Edward Ventura	Force: Police Officer Edward Ventura used physical force against § 87(2)(b)	
F.POM Christophe Barsamian	Force: Police Officer Christophe Barsamian used physical force against § 87(2)(b)	
G.POM Malvi Moncion	Force: Police Officer Malvi Moncion used physical force against § 87(2)(b)	
H.POM Jeffrey Abreu	Force: Police Officer Jeffrey Abreu used physical force against § 87(2)(b)	
I.POM Edward Ventura	Abuse: Police Officer Edward Ventura forcibly removed § 87(2)(b) to the hospital.	

Case Summary

On February 24, 2021, Sergeant Lakasha Parks from PSA 7 reported this incident to IAB on behalf of § 87(2)(b). IAB forwarded this complaint to the CCRB where it was received on July 14, 2021.

On February 23, 2021, at approximately 1:45 p.m., § 87(2)(b) engaged in a verbal dispute with PSA 7 Police Officers Christopher Barsamian, Edward Ventura, Malvi Moncion, and Jeffrey Abreu inside the lobby of his building at § 87(2)(b) in the Bronx. PO Barsamian allegedly told § 87(2)(b) “You’re soft. You’re a pussy,” (**Allegations A-B: Discourtesy, Offensive Language,** § 87(2)(g)). PO Ventura pushed § 87(2)(b) on the chest out the door (**Allegation C: Force,** § 87(2)(g)). Officers attempted to take § 87(2)(b) to the ground. PO Moncion struck § 87(2)(b) with his baton multiple times on the legs (**Allegation D: Force,** § 87(2)(g)). PO Ventura punched § 87(2)(b) in the head and on his torso (**Allegation E: Force,** § 87(2)(g)). PO Barsamian punched § 87(2)(b) in the torso (**Allegation F: Force,** § 87(2)(g)). PO Moncion and PO Abreu allegedly punched § 87(2)(b) (**Allegations G-H: Force,** § 87(2)(g)). PO Ventura removed § 87(2)(b) to the hospital (**Allegation I: Abuse of Authority,** § 87(2)(g)).

The investigation obtained 25 body-worn camera (BWC) videos, including from the subject officers (Board Review 01-06) and witness officers (Board Review 07).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Christopher Barsamian spoke discourteously to § 87(2)(b)

Allegation (B) Offensive Language: Police Officer Christopher Barsamian made offensive remarks to § 87(2)(b)

It is undisputed that PO Barsamian and PO Moncion first arrived at the scene, followed by PO Ventura and PO Abreu.

§ 87(2)(b) testified that he was inside the lobby of his building when PO Barsamian and PO Moncion entered (Board Review 01). § 87(2)(b) recognized PO Barsamian from prior interactions. PO Barsamian said something akin to, “Are you having a nice day?” § 87(2)(b) believed PO Barsamian was being funny or disrespectful because of the history between them. § 87(2)(b) told PO Barsamian, “You’re a bitch. I can whoop your ass.” PO Barsamian replied, “You’re soft. You’re a pussy.” After a few minutes of arguing with PO Barsamian, PO Ventura and PO Abreu arrived.

PO Barsamian testified that he and PO Moncion arrived at the location in response to another job involving for an assault with a knife (Board Review 10). When he and PO Moncion arrived, they encountered § 87(2)(b) who yelled and cursed at them unprovoked. PO Barsamian recognized § 87(2)(b) from seeing him in the area, but he had never interacted with § 87(2)(b) before. PO Barsamian and PO Moncion ignored § 87(2)(b) while they waited for the elevator to take them upstairs to the assault incident. PO Barsamian denied using any profanity to § 87(2)(b) including saying, “You’re soft. You’re a pussy,” as alleged.

PO Moncion, PO Ventura, and PO Abreu all denied that any officer used profanity toward § 87(2)(b) (Board Review 11, 12, 13, respectively).

PO Barsamian’s body-worn camera (BWC) video showed the initial interaction with § 87(2)(b) from the beginning of the video, but it did not have any audio at that time (Board Review 01). None of the BWC videos captured any conversation between PO Barsamian and § 87(2)(b).

§ 87(2)(g)

Allegation (C) Force: Police Officer Edward Ventura used physical force against § 87(2)(b)

§ 87(2)(b) testified that he told the four officers, “If you keep harassing me, I’ll have to whoop your ass because I’m getting paranoid,” (Board Review 09). An officer, who § 87(2)(b) alleged was PO Moncion, pushed § 87(2)(b) hard in his chest causing him to step back.

The investigation determined based on the body-worn camera videos (noted below) that PO Ventura was the subject of this allegation, not PO Moncion.

PO Ventura testified that when he and PO Abreu entered the lobby of the building to provide backup to PO Barsamian and PO Moncion who were responding to an assault in the building (Board Review 12). When PO Ventura entered the lobby, § 87(2)(b) was already yelling and cursing at PO Barsamian and PO Moncion. § 87(2)(b) called them “pussies” and told them to “suck [his] dick.” PO Ventura did not hear PO Barsamian or PO Moncion say anything to § 87(2)(b) and PO Ventura did not know how this interaction began. PO Ventura asked § 87(2)(b) “Are you good? Are you alright? Do you need an ambulance?” PO Ventura asked § 87(2)(b) if he needed an ambulance because he believed § 87(2)(b) was an “EDP.” He believed § 87(2)(b) was an “EDP” because he was acting erratic and violent, as evidenced by his yelling and cursing. PO Ventura suspected § 87(2)(b) could have been on drugs based on his behavior. PO Ventura did not believe § 87(2)(b) was an “EDP” for any other reason. § 87(2)(b) turned to PO Ventura and said, “You’re a fucking pussy.” § 87(2)(b) threatened, “I’m gonna knock your fucking head off.” § 87(2)(b) picked up his pants, which indicated to PO Ventura that he was “ready to fight.” During his interview, PO Ventura first stated that he did not know what § 87(2)(b) was capable of or if he had a weapon. Then PO Ventura added that there was “no way for him to know” if § 87(2)(b) had a weapon. PO Ventura did not observe any bulges or concealed items on § 87(2)(b) person. § 87(2)(b) was within an arm’s length of PO Ventura. PO Ventura shoved § 87(2)(b) backward with both hands on his chest. PO Ventura pushed § 87(2)(b) because § 87(2)(b) threatened him and was concerned § 87(2)(b) would follow through with his threat.

PO Barsamian, PO Moncion, and PO Abreu consistently testified that § 87(2)(b) began yelling and cursing at them without provocation (Board Review 10, 11, 13, respectively). None of these three officers had a reason to suspect § 87(2)(b) possessed a weapon. Their descriptions of § 87(2)(b) demeanor were generally consistent with PO Ventura’s.

PO Abreu stated § 87(2)(b) “irate” demeanor, consisting of yelling and cursing, led PO Abreu to suspect § 87(2)(b) was on drugs (Board Review 13). PO Abreu did not suspect § 87(2)(b) was on drugs for any other reason.

PO Barsamian’s BWC video showed § 87(2)(b) standing in the doorway of the lobby with PO Barsamian and PO Moncion in the center of the lobby, at the beginning of the video (Board Review 01). § 87(2)(b) appeared to be saying something to the officers, but there was no audio. It is unclear if PO Moncion responded because he was wearing a hygienic facemask. At the 00:06 minute-mark of the player’s timestamp, PO Moncion waved to § 87(2)(b) and turned away from him toward the interior of the building. At 00:10, PO Moncion turned back to § 87(2)(b) and appeared to say something. § 87(2)(b) took one step toward the officers. PO Moncion walked toward § 87(2)(b) who stepped backwards. At 00:21, PO Ventura and PO Abreu entered the lobby past § 87(2)(b) who stepped in the doorway. At 00:31, § 87(2)(b) appeared to say something to PO Ventura who nodded and seemed to reply. At the same time, PO Moncion stepped toward § 87(2)(b) and stood on his right side. At 00:36, PO Ventura turned so that his shoulders were square with § 87(2)(b). The two appeared to be within arm’s length. At 00:41, an unknown individual opened the door from the

outside. § 87(2)(b) adjusted his pants. At 00:46, PO Ventura pushed § 87(2)(b)

PO Ventura's BWC showed the push at the 00:45 minute-mark (Board Review 02). He pushed § 87(2)(b) with both hands: one on his chest and one on his left upper arm. § 87(2)(b) stumbled backward out the open door.

According to NYPD Patrol Guide Procedure 221-01, officers may use force when it is reasonable to ensure the safety of a member of the service or third person or when it is reasonable to place a person in custody or to prevent escape from custody (Board Review 14). All officers must prioritize de-escalation whenever possible. De-escalation refers to action taken to stabilize a situation and reduce the immediacy of the threat with the goal of reducing or eliminating the necessity to use force. When determining whether the use of force is reasonable, officers should consider multiple factors, including but not limited to the following:

- a) The nature and severity of the crime/circumstances
- b) Actions taken by the subject
- c) Whether the subject is resisting custody or attempting to evade arrest
- d) Number of subjects compared to the number of officers
- e) Subject apparently under the influence of a stimulant/narcotic

§ 87(2)(b) was not under arrest or in custody at the time. The officers were handling another job entirely when they encountered § 87(2)(b) § 87(2)(g)

§ 87(2)(b) pointed to PO Barsamian and this conversation as the reason he cursed at the officers. While § 87(2)(b) exact statements are also in dispute, the investigation credits that his statement that he would "whoop [the officer's] ass" if they continued harassing him could have been considered a threat. The fact that there were four officers and only § 87(2)(b) mitigates § 87(2)(b) warning statement. However, it is consistent across all testimony that § 87(2)(b) aggression toward the officers was only verbal. Additionally, PO Ventura did not attempt any de-escalation techniques. In fact, the BWC videos showed that it was PO Ventura and PO Moncion who moved forward within arm's reach of § 87(2)(b) and not the reverse. Aside from § 87(2)(b) being angry and yelling, PO Ventura and PO Abreu had no additional evidence suggesting § 87(2)(b) was on drugs. § 87(2)(g)

Allegation (D) Force: Police Officer Malvi Moncion struck § 87(2)(b) with a nightstick/asp/baton.

Allegation (E) Force: Police Officer Edward Ventura used physical force against § 87(2)(b)

Allegation (F) Force: Police Officer Christopher Barsamian used physical force against § 87(2)(b)

Allegation (G) Force: Police Officer Malvi Moncion used physical force against § 87(2)(b)

Allegation (H) Force: Police Officer Jeffrey Abreu used physical force against § 87(2)(b)

§ 87(2)(b) testified that he punched PO Ventura once in the mouth (Board Review 09). The officers pushed him outside and began to beat him. Three or four of the officers, he did not know which, struck him with their batons multiple times. He was unable to provide additional details about the strikes. All the officers punched and kicked him more than ten times. He was unable to provide additional details about the punches and kicks. The punches, kicks, and strikes with a baton caused § 87(2)(b) residual neck and back pain. § 87(2)(b) did not provide documents or photos of these injuries. § 87(2)(b) stated that there were witnesses, but he refused to provide their names or contact information.

PO Barsamian's body-worn camera (BWC) video showed that § 87(2)(b) threw a punch at PO Ventura and the officers chased § 87(2)(b) outside at the 00:48 minute-mark of the player's timestamp (Board Review 01). PO Moncion was the only officer to use his baton against § 87(2)(b) which he did at the 00:50 minute-mark. Between 00:50 and 00:55, PO Moncion struck § 87(2)(b) with the baton in the legs four times in succession. § 87(2)(b) fell to the ground.

PO Moncion's BWC showed that PO Moncion continued striking § 87(2)(b) with the baton an additional four times on the back of his thighs while he was on the ground, between the 00:15 and 00:24 minute-marks (Board Review 06). Throughout both videos, officers can be heard telling § 87(2)(b) to give them his hands. § 87(2)(b) pinned his arms to his sides and verbally stated that he will not give his hands.

PO Abreu's BWC video showed that PO Ventura struck § 87(2)(b) on the back of the head three times between 00:48 and 00:52 minute-marks of the player's timestamp, or 13:43:18 of the hardcoded timestamp (Board Review 04). § 87(2)(b) fell to the ground, and PO Ventura struck him on the back of the head a fourth time at 00:52, or 13:43:25. § 87(2)(b) told officers that he would not give them his hands. PO Ventura struck § 87(2)(b) twice more on the left side of the head, at 01:27 or 13:43:57.

PO Barsamian's BWC video showed that PO Ventura punched § 87(2)(b) on his left side of his torso, at the 01:08 minute-mark of the player's timestamp and 13:43:36 of the hardcoded timestamp, which was between the fourth and fifth punches captured on PO Abreu's BWC (Board Review 01).

Based on the BWC videos, the investigation determined that PO Moncion struck § 87(2)(b) with a baton at least eight times and that PO Ventura struck § 87(2)(b) at least seven times on the head and once in the torso.

None of the BWC videos showed that PO Moncion or PO Abreu punched § 87(2)(b) (Board Review 01-06). None of the officers kicked § 87(2)(b).

PO Moncion testified that he struck § 87(2)(b) with his baton when § 87(2)(b) was upright in order to deescalate and manage the situation (Board Review 11). PO Moncion's strike was not effective as § 87(2)(b) continued to resist the officers by punching, kicking, and attempting to spit. Once § 87(2)(b) was on the ground, PO Moncion struck him again on the back of the legs in order to get him to comply and give the officers his hands. PO Moncion did not strike § 87(2)(b) for any other reason.

PO Ventura testified that he punched § 87(2)(b) in order to gain compliance (Board Review 12). When asked specifically why PO Ventura punched § 87(2)(b) in the head, PO Ventura stated, "I punched wherever I needed to punch him so I could cuff him and restrain him," at the 13:50 minute-mark of the interview audio.

PO Barsamian's BWC video showed that PO Barsamian told § 87(2)(b) "Give us your hands," at the 1:05 minute-mark of the player's timestamp (Board Review 01). § 87(2)(b) did not give his hands. PO Barsamian punched § 87(2)(b) once on his right side while he was on the ground, at 01:30. PO Barsamian repeated the instruction for § 87(2)(b) to give him his hands. At 1:40, PO Barsamian pulled § 87(2)(b) right hand out from underneath him and behind his back.

PO Barsamian testified that he told § 87(2)(b) to give the officers his hands (Board Review 10). § 87(2)(b) resisted by tensing his body and refusing to give his hands. PO Barsamian punched § 87(2)(b)

in order to gain compliance.

PO Barsamian, PO Moncion, PO Ventura, and PO Abreu all denied witnessing the other officers use force against § 87(2)(b) (Board Review 10-13, respectively).

As stated above, officers are permitted to use force to gain control or compliance to put an individual in custody or for the safety of officers or a third party, per NYPD Patrol Guide Procedure 221-01 (Board Review 14). All officers must use reasonable force and prioritize de-escalation whenever possible. The “objectively reasonable standard” states that whether the use of force is reasonable depends upon the totality of the circumstances known by the officers at the time. The Department examines reasonableness of force viewed from the perspective of a member with similar training and experience under the same circumstances. De-escalation refers to action taken to stabilize a situation and reduce the immediacy of the threat with the goal of reducing or eliminating the necessity to use force. If officers must use force, they are to assess the situation continually and adjust the use of force as necessary.

After PO Ventura pushed § 87(2)(b) and § 87(2)(b) swung back, all four officers immediately charged at § 87(2)(b) in attempt to get him to the ground and handcuff him. There was no de-escalation attempt made. PO Moncion struck § 87(2)(b) with his baton indiscriminately from standing until well after he was on the ground. None of PO Moncion’s peers had their batons drawn, let alone used them. § 87(2)(g)

§ 87(2)(g)

PO Barsamian first attempted to de-escalate the situation by issuing commands for § 87(2)(b) to put his hands behind his back. When § 87(2)(b) resisted, PO Barsamian used a single hand strike against his torso, and then restated his command. § 87(2)(g)

§ 87(2)(g)

Allegation (I) Abuse of Authority: Police Officer Edward Ventura forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) testified that officers transported him to § 87(2)(b) Hospital where he was injected with a “liquid” that put him to sleep (Board Review 09). § 87(2)(b) was discharged from the hospital § 87(2)(b) did not know what diagnosis the doctor gave if anything.

The investigation was unable to obtain any medical documents from § 87(2)(b)

PO Ventura testified that he believed § 87(2)(b) was an “EDP,” or emotionally disturbed person, from the beginning of the incident because § 87(2)(b) was acting “erratic” and “violent” (Board Review 12). § 87(2)(b) was erratic and violent because he was yelling and cursing at officers. PO Ventura believed that § 87(2)(b) was an “EDP” for that reason and no others. PO Ventura decided to

call an ambulance for § 87(2)(b) because he believed that going to the hospital would be more beneficial for him than getting arrested. PO Ventura did not discuss this with the other officers. PO Ventura called for EMS over the radio. EMS and additional officers arrived on scene. § 87(2)(b) was transported in the ambulance to the hospital.

PO Barsamian, PO Moncion, and PO Abreu all provided descriptions of § 87(2)(b) demeanor similar to PO Ventura's description (Board Review 10, 11, 13, respectively).

Sgt. Parks' body-worn camera (BWC) video showed that PO Ventura told Sgt. Parks that § 87(2)(b) was "buggin out" and acting "crazy," as shown at the 4:39 minute-mark of the player's timestamp (Board Review 08). At 5:45, Sgt. Parks turned to another officer who was standing with a civilian (CV1). The officer identified CV1 as a witness to the initial stabbing job at the location. CV1 told Sgt. Parks that he witnessed a woman attempt to stab her boyfriend and that § 87(2)(b) tried to stop it. At 7:30, CV1 told Sgt. Parks, "That dude right there," and pointed to § 87(2)(b). "He didn't do nothing. He tried to help. I don't know what happened." A few minutes later, at 15:34, § 87(2)(b) told Sgt. Parks, "I'm fine. I'm completely sane. I'm not crazy... The reason I'm acting like this is because him, him, and two other cops jumped me." Sgt. Parks told § 87(2)(b) that EMS will talk to him and that he should let EMS know that. At 17:12, Sgt. Parks approached an individual (CV2) who identified himself as § 87(2)(b) father. CV2 told Sgt. Parks that § 87(2)(b) did not take any medication and does not have a psychiatric history. At 19:00, § 87(2)(b) went into the ambulance with PO Ventura.

Given that PO Ventura decided § 87(2)(b) was an "EDP" and called for EMS prior to a supervisor arriving on scene, the investigation determined that PO Ventura was responsible for § 87(2)(b) removal to the hospital.

NYPD Patrol Guide Procedure 221-13 states that an "emotionally disturbed person (EDP)" is a person who appear to be mentally ill or temporarily deranged and is conducting themselves in a manner which an officer reasonably believes is likely to result in serious injury to himself or others (Board Review 15). Officers are permitted to remove an "EDP" to the hospital if they are conducting themselves in a manner likely to result in serious injury to themselves or others.

PO Ventura's description of § 87(2)(b) behavior—yelling and cursing—did not suggest that § 87(2)(b) was acting in a manner that could seriously injure himself or someone else. It was not until PO Ventura escalated the situation by physically pushing § 87(2)(b) that § 87(2)(b) became aggressive and swung at PO Ventura. By his own testimony, PO Ventura already decided § 87(2)(b) was "emotionally disturbed" based on his yelling and cursing alone. Furthermore, Sgt. Parks' conversations with bystanders captured on BWC demonstrated that § 87(2)(b) did not have a history of mental illness, and he was not acting dangerously prior to the arrival of officers. § 87(2)(g)

Civilian and Officer CCRB Histories


- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 16).
- PO Barsamian has been a member of service for seven years, and this is the first CCRB complaint to which he has been a subject (Board Review 17).
- PO Ventura has been a member of service for six years, and this is the first CCRB complaint to which he has been a subject (Board Review 17).
- PO Moncion has been a member of service for 13 years and has been a subject in ten CCRB complaints and seven allegations, of which one was substantiated (Board Review 17):

- 201507127 involved a substantiated discourtesy allegation. The Board recommended Formalized Training, and the NYPD imposed Instructions.
- PO Abreu has been a member of service for six years, and this is the first CCRB complaint to which he has been a subject (Board Review 17).

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of April 4, 2022, the New York City Office of the Comptroller has no record of a notice of claim being filed in regard to this incident (Board Review 18).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad: 4

Investigator:	 Signature	Inv. Emily Devaney Print Title & Name	06/09/2022 Date
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Squad Leader:	Raquel Velasquez Signature	IM Raquel Velasquez Print Title & Name	06/10/2022 Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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